## IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION

## CRIMINAL NO. 1:04CR86

UNITED STATES OF AMERICA	)	
VS.	)	<u>ORDER</u>
MARC DOLON GEE	) ) )	

**THIS MATTER** is before the Court on the petition of a third party, Mortgage Electronic Registration Systems, Inc., for a determination of its interest in property which has been preliminarily forfeited to the United States.

On September 10, 2004, a *lis pendens* was filed against the property in order to provide notice to the public that the property was subject to forfeiture to the United States. The *lis pendens* provided the name and address of the Assistant United States Attorney for any claimant to contact. It does not appear that this third party has done so.

On January 11, 2005, the undersigned entered a preliminary order of forfeiture which required the Government to make publication in order that any claimant might appear in the action. It is unclear whether this petition was the result of such publication. However, the Defendant has not yet been sentenced and, therefore, a final order of forfeiture has not been entered.

Although the Government was served with a copy of this petition, no response has been filed. It may be that the parties have resolved this issue. However, out of an abundance of

caution, the Court will provide the Government with another opportunity to respond to the petition.

IT IS, THEREFORE, ORDERED that on or before 15 days from entry of this Order, the Government shall advise the Court of the status of this matter and its position as to any claim of the third party.

Signed: May 10, 2005

Lacy H. Thornburg United States District Judge